

House Bill 253
January 29, 2009
Presented by Ken McDonald
House Fish, Wildlife & Parks Committee

EXHIBIT 13
DATE 1-29-09
HB 253

Mr. Chairman and committee members, for the record I am Ken McDonald, Wildlife Division Administrator of Montana Department of Fish, Wildlife & Parks (FWP).

House Bill 253 would remove management authority by the Department of Livestock for bison that originate from Yellowstone National Park (YNP), making FWP the agency responsible for management of bison in Montana. Currently bison originating from YNP are co-managed as a game animal under Title 87 MCA, as well as a species in need of disease management under the authority of the Department of Livestock (DoL). Ultimately, bison in and around YNP are currently managed under the auspices of the Interagency Bison Management Plan (IBMP) - an agreement signed and administered by five agencies including FWP, DoL, YNP, U.S. Forest Service (USFS), and Animal and Plant Health Inspection Services (APHIS). That plan outlines specific population targets, management actions, and dates by which bison must be in or excluded from certain areas. This is to minimize risk of transmission of brucellosis from bison to livestock. To change the plan requires consensus of the five agencies under the plan's adaptive management process. So even if FWP had authority for bison, DoL and the other agencies would still have a significant say in what might or might not happen with bison management.

It is our understanding that DoL spends approximately \$660,000/year and uses over five FTE implementing the provisions IBMP - including trapping, testing, herding, and if necessary, removing bison from the population. If bison were under the authority of FWP, those responsibilities would also transfer to FWP, per the IBMP. Some have suggested that FWP could use sport hunting in place of herding, trapping, and culling. Although we believe there is potential to expand hunting to reduce herding/trapping, the need for some level of herding and trapping will remain. Hunting for big game species generally concludes on February 15 while most of the herding and/or trapping and removal occurs in the late spring (April) well after this date. Hunting of bison much beyond mid-February is questionable for a variety of reasons including the advanced pregnancy stage of those animals, hunter willingness, and concerns about fair chase. Therefore, even if FWP had management authority, FWP would still need to herd, and/or remove animals in the manner that DoL currently does (per the IBMP). While FWP agrees that wild bison are wildlife, the type of management required under the IBMP is not consistent with FWP's traditional wildlife management approaches. This bill would simply transfer the management prescriptions in the IBMP from one agency to the other, but management would not change unless the IBMP were changed. Even if FWP has authority, the other agencies, including DoL, would have a significant say in the management approaches. Finally, in addition to the type of work that would be required, FWP is greatly concerned that the funding that comes with this responsibility is not certain, and therefore hesitant to take on the added responsibility without long-term assurances of funding to go with it.

FWP is committed to continuing to work to manage bison as valued wildlife, while respecting the agreements made in the IBMP. FWP is also committed to continuing looking for ways to enable bison to exist on a broader landscape as wildlife, while minimizing disease risks to livestock and other impacts to private operations. I will be available for any questions you might have.

YNP Bison Management: A Historical Review of FWP's Involvement

Prepared by Thomas Baumeister, December 18, 2002

- 1902: 23 bison remain in YNP.
- 1930s: herd grows to 1,200 animals in response to protection and introduction measures.
- 1950s-60s: park policy calls for direct control of ungulates, herd numbers between 400 and 1,000 bison with 200 on northern range.
- Late 1960s: natural regulation.
- 1970s: state-federal collaborative effort agrees to try to keep bison inside park boundaries. If that fails, killing of bison is considered outside of boundary. FWP charged with killing bison.
- 1974-1983: FWP kills 13 animals many are herded back.
- 1984: Montana declared brucellosis free state following a \$30 million eradication effort since 1952.
- 1984: 88 bison are killed. In response, NPS considers environmental assessment to seek alternative to killing.
- 1985: Legislature (House Bill 763) adds wild buffalo to Montana's list of big game animals and instructs FWP to adopt rules and regulations for a bison rifle hunt. FWP opposes legislation because the herd should be managed by the NPS and maintained at a size compatible with the habitat available. However, the hunting public argues in favor of hunters killing bison as opposed to FWP personnel. The Montana Legislature agrees with hunters, though other means of control are encouraged: "hunting should be considered only one of the many solutions available to FWP and the NPS to control migration bison."
- 1985: First Montana public bison hunt December 1, 1985 through June 30, 1986 as "an effort to control a growing Yellowstone Park buffalo herd that poses serious problems outside the park for private landowners and, most specifically, for Montana's livestock industry." Hunt applications accepted through November 15, 1985 for a \$5 drawing fee; 3,002 individuals apply in first year; a roster of 500 hunters is developed. Hunters are notified by phone to report within 36 hours at a check-in point to hunt an animal for two consecutive days. The drawing and license fees are placed in a special fund to manage and control bison entering Montana. The hunter is charged a fee of \$200 for resident and \$1,000 for non-resident. Hunting success is 100%.
- 1985-89: 671 bison are killed. In winter of 1985-86, 57 bison are taken, 6 in 1986-87, 39 in 1987-88, 569 in 1988-89. Following four years of hunting, the herd contains about 400 animals, most taken around Gardiner. More than half of the harvested animals carry the brucellosis disease. The bison hunt is controversial. FWP's position remains that the responsibility for managing bison lies primarily with the NPS. NPS agrees to establish a core number of bison for the northern herd of 200 animals. FWP Commission, in turn, agrees not to reduce herd below this number unless there is an immediate threat of brucellosis.
- 1988: herd exceeds 2,800 animals, with 900 on the northern range.
- 1989: Federal government files intent to prepare a long-term management plan for bison wandering outside YNP.
- 1990: state and federal agencies implement an *Interim Bison Management Operating Plan*. The plan is developed to reduce the risk of transmission of brucellosis from bison to cattle, and to maintain a viable, free-ranging herd of YNP bison. The plan calls for first hazing bison back into the Park. If unsuccessful, animals are captured and tested for the disease of brucellosis. Bison that test negative are released, those that test positive are killed and sent to a processing facility, with the meat, head and hides donated to tribal

organizations. Approximately, 40-50% of the Yellowstone bison herd is affected with the disease of brucellosis.

- 1991: Montana's Legislature determines that bison management through hunting is not appropriate and eliminates the sale of wild bison license. Legislature instructs FWP to control bison that threatened people or property other than through the transmission of contagious disease including brucellosis. Department of Livestock is charged with regulating bison posing a threat through the transmission of contagious disease. Both Departments are instructed to work with NPS on a long-term management plan for bison.
- 1992: state and federal agencies sign MOU to work cooperatively on a long-term bison management plan.
- 1994: first national brucellosis symposium.
- 1995: *Greater Yellowstone Interagency Brucellosis Committee* composed of representatives from more than a dozen state and federal agencies is commissioned to deal with problem of brucellosis in the Yellowstone area. Bozeman lab staff represents FWP. FWP receives \$80,000 grant to conduct detailed brucellosis studies in wildlife to analyze the persistence of the *Brucella* bacteria to improve management decisions relative to managing bison while protecting Montana's brucellosis free status.
- 1995: Montana frustrated with what it perceived as a federal reluctance to help resolve the bison problem and sues the federal government. As part of the settlement, both governments agree to work together on a long-term management plan.
- 1995: DoL named lead agency responsible for implementing bison management actions outside of YNP, bison defined as "a species requiring disease control." DoL operates under the Interim Bison Management Plan. FWP is responsible for managing the species as it relates to public safety and property damage.
- 1996: Following the legal settlement of 1995, adjustments are made in 1996, 1997, and 1999 to the *Interim Bison Management Operating Procedures*. The purpose of the interim plan is to minimize the number of bison killed at or outside the boundary of Yellowstone National Park and provide for a generally stable bison population, while still preserving Montana's brucellosis class-free status and ability to freely market livestock in interstate and international markets.
- 1998: Tribes and environmentalists asked the 9th U.S. Circuit Court of Appeals to stop the state of Montana from slaughtering park bison.
- 1998: NPS releases Draft Environmental Impact Statement for the Interagency Bison Management Plan for the State of Montana and Yellowstone National Park.
- 1999: Federal government releases a modified preferred alternative for bison management following state input and public comment. State and federal agencies unable to agree on this alternative. FWP's response is that "bison must be managed at levels less than maximum carrying capacity during normal range and winter conditions to prevent the need for major removals during more severe winters." FWP's approach is to "reduce the magnitude of mass migrations and the sensational slaughter." The federal government intends to manage herds at the high end of the carrying capacity.
- 1999: Federal government announces writing of its own long-term bison plan with or without the cooperation of the state in response to Montana's "unnecessary killing" of bison. Governor Racicot threatens to ask a federal judge to force the feds to cooperate with the state. The federal position calls for a long-term plan that, for its first year, would look about like the current interim plan that has been in place. The basic goal is to keep bison and cattle separated, both in space and time. GYC and NWF praise the federal position.
- 2000: disagreement between state and federal agencies leads federal agencies to produce their own plan and preferred alternative.

- 2000: Montana considers developing state-only plan. FWP and DoL have contract with John Mundinger for NEPA/MEPA work regarding bison issues.
- 2000: by court order, Montana and federal agencies participate in seven months of mediation to resolve dispute over preferred alternative.
- 2000: state and federal governments develop the *Interagency Bison Management Plan* after 10 years of acrimony and 7 months of mediation over how wandering bison should be managed.
- 2000: Interagency Bison Management Plan is adopted. This plan is an effort by USDA/APHIS, the State of Montana (DoL and FWP), and the Department of the Interior (NPS and BRD) to describe the agency commitments toward managing bison in the Greater Yellowstone Area. The long-range management plan describes an adaptive management process that depends upon several monitoring and research projects to guide a progressive monitoring program. The plan calls for:
 - restrict bison distribution to certain areas and times immediately adjacent to the Park.
 - remove bison without jeopardizing the integrity of the herd.
 - separate bison and cattle in space and time and administer vaccination protocols. Plan intends to reduce the risk of brucellosis transmission but is not designed to eliminate the risk of transmission.
 - maintain spring bison population of up to 3,000 animals.
- 2001: bison numbers reach about 3,000 animals, a number that is approaching the level of 3,700 in 1996-97 when 1,100 were killed. Between 1985 and 1999, 3,100 bison were killed.
- The 2003 Montana Legislature passed SB 395, which provides for: "The sport hunting of wild buffalo or bison as a management tool through establishment of a special wild buffalo or bison license; establishing regulations related to the special wild buffalo or bison license; establishing regulations related to the special wild buffalo or bison license and setting a price for the license; clarifying duties of the Department of Fish, Wildlife and Parks in administering the special wild buffalo or bison license, including consultation and cooperation with the Department of Livestock in developing and implementing rules regarding the safe handling of wild buffalo or bison parts; amending Sections 81-2-120, 87-1-216, and 87-2-701, MCA; and providing an immediate effective date."

Bison management 1997-2004:

Year	Hazed back into YNP	Captured	Positive and slaughtered	Negative and released
1997-98	300	15	11	4
1998-99	615	142	90	52
1999-00	415	none		
2000-01	102	14	5	9
2001-02	1,026	262	199	63
2002-03	1,603	239	231	8
2003-04	1,434	464	264	207
2004-05 (as of Dec. 1, 2004)	117	3	3	0